

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Telecommunications Carriers Eligible to)	
Receive Universal Service Support)	
)	
Telrite Corporation)	WC Docket No. 09-197
)	
Petition for Limited Designation as)	
An Eligible Telecommunications)	
Carrier in Alabama, Connecticut, Delaware,)	
the District of Columbia, Florida,)	
New Hampshire, New York, North Carolina,)	
Tennessee and Virginia)	
)	

**TELRITE COPORATION
PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN ALABAMA, CONNECTICUT, DELAWARE,
THE DISTRICT OF COLUMBIA, FLORIDA, NEW HAMPSHIRE, NEW YORK,
NORTH CAROLINA, TENNESSEE AND VIRGINIA**

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Dated: April 4, 2012

SUMMARY

Telrite seeks designation as an eligible telecommunications carrier (“ETC”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as Amended (the “Act”) and Federal Communications Commission (“FCC” or “Commission”) rules, for the limited purpose of providing wireless services supported by the Universal Service Fund’s Lifeline program. Section 214(e)(6) permits the Commission to grant ETC designation in those states where the state has affirmatively stated an ETC Petitioner is not subject to state jurisdiction. Alabama, Connecticut, Delaware, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia and the District of Columbia all have stated they lack jurisdiction over wireless service providers and, consequently, Commission review and approval of Telrite’s Petition is warranted.

As described in greater detail herein, Telrite satisfies all of the requirements for designation as an ETC and Telrite is committed to complying with all of the Commission’s rules and requirements for ETCs providing Lifeline services. Grant of ETC status will be in the public interest as Telrite’s provision of Lifeline-supported services will further the Commission’s goals of the Lifeline program by increasing the service options available to low-income consumers. Further, Telrite’s prepaid wireless services will provide an important source of high quality mobile service. Low-income consumers will have a stable contact method where traditional landline service is unavailable or is simply not the best option for the consumer. Additionally, the prepaid nature of Telrite’s services permit consumers to anticipate and control their communications costs. Telrite’s Lifeline service offering includes a generous number of “free” minutes that are an invaluable resource for cash-strapped consumers and features such as Voice Mail, Call Waiting and Caller ID that are critical to those seeking employment. Designation of Telrite as an ETC will provide consumers with a valuable alternative for obtaining telephone service and this competition should spur other service providers to improve their service offerings to low-income consumers.

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Telrite Corporation (“Telrite” or the “Company”), pursuant to Section 214(e) of the Communications Act of 1934, as Amended (the “Act”), 47 U.S.C. § 214(e) and Section 54.202 of the rules of the Federal Communications Commission (“Commission” or “FCC”), 47 C.F.R. §54.202, hereby requests limited designation as an eligible telecommunications carrier (“ETC”) in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee and Virginia (hereinafter, “Federal Jurisdiction States”), for the sole purpose of receiving universal service Lifeline support. Telrite does not request ETC

status for the purpose of receiving support from any of the other Universal Service Funds (“USF”), nor does it seek support from the Link Up program.

The Federal Jurisdiction States all have affirmatively stated that they lack jurisdiction or will not assign ETC status to commercial mobile radio service (“CMRS”) providers. Accordingly, the Commission has jurisdiction, pursuant to Section 214(e)(6) to review and grant the Company’s request for designation as an ETC in the Federal Jurisdiction States. As discussed in more detail below, Telrite meets the requirements for designation as an ETC and is able and prepared to offer the Lifeline-supported services throughout the Federal Jurisdiction States. Granting Telrite ETC status will benefit the public interest by making the Company’s services available to a broad range of low-income consumers.

I. ABOUT TELRITE

Telrite is an established provider of both wireline and wireless telecommunications services.¹ The Company has provided local and long distance services to customers for over 10 years and has been offering Lifeline services to customers since October 2010. Telrite’s prepaid wireless Lifeline services will be offered in states where the Company is designated as an ETC and throughout the coverage area of AT&T, its underlying carrier.² Telrite purchases wireless network services from AT&T on a wholesale basis and resells the services to its customers.

Telrite’s Lifeline service offerings include three plan options with 68 to 250 anytime prepaid minutes per month included at no charge. In some plan offerings, the minutes

¹ The Company hereby also reports its corporate and trade names, identifiers, and its holding company, operating companies and affiliates as: Telrite Corporation (corporate name), Life Wireless (trade name) and Telrite Holdings, LLC (holding company).

² Telrite currently is designated as an ETC in Puerto Rico and the states of Arkansas, Georgia, Illinois, Louisiana, Maryland, Minnesota, Missouri, Rhode Island and West Virginia.

do not expire and unused minutes are rolled over to the next month. Customers also are able to purchase additional bundles of minutes to add to their monthly plans.

In addition to free voice services, Telrite's Lifeline offerings include a free handset and custom calling features such as Caller ID, Call Forwarding, 3-Way Calling, Call Waiting, and Voice Mail at no charge. Customers also receive roaming at no charge and have free access to Customer Care by dialing 611 from the customer's wireless handset or calling the Company's toll free number from any wireline phone. The Lifeline packages also include domestic any-distance service at no extra per minute charge and all offerings include free calls to 911 emergency services regardless of service activation or availability of minutes.

The combination of the prepaid nature of Telrite's Lifeline service, free included minutes and free service features provides a valuable service to low-income consumers. Consumers benefit from access to a wide array of service features and generous numbers of included minutes without concern about unanticipated service charges, credit checks or long term contracts. In addition, Telrite's operation as an ETC in the Federal Jurisdiction States will provide consumers with an alternative source of quality service and will spur competition and innovation in the markets.

II. THE PUBLIC UTILITY COMMISSIONS IN EACH OF THE FEDERAL JURISDICTION STATES HAVE AFFIRMATIVELY STATED THEY DO NOT REGULATE CMRS CARRIERS FOR PURPOSES OF GRANTING ETC DESIGNATIONS

Section 214(e)(1) of the Act reserves to state public utility commissions the authority to designate ETC status to requesting entities.³ However, Section 214(e)(6) permits the FCC to designate a Petitioner as an ETC in cases involving a "common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State

³ 47 U.S.C. § 214(e)(1).

commission.”⁴ The FCC has stated that before it will consider an ETC application, the entity seeking ETC status must demonstrate that it “is not subject to the jurisdiction of a state commission”⁵ and that the entity must provide an “affirmative statement” from the relevant state commission that the carrier is not subject to the state commission’s jurisdiction.⁶ As demonstrated in the documents attached as Exhibit A, the public utility commission in each of the Federal Jurisdiction States has affirmatively stated that it lacks jurisdiction to designate ETC status. Accordingly, FCC review and approval of the instant application is warranted.

Because the state public utility commissions in the Federal Jurisdiction States have specifically and affirmatively denied jurisdiction over CMRS providers for purposes of granting ETC status, Telrite is not subject to state commission jurisdiction in any of the states for which it hereby seeks an ETC designation. The Commission has jurisdiction to grant ETC status in these states pursuant to Section 214(e)(6) of the Act.

III. TELRITE MEETS THE COMMISSION’S REQUIREMENTS FOR ETC DESIGNATION

Section 54.202 of the Commission’s rules outlines the requirements that must be met before a carrier can be designated as an ETC by the FCC. As discussed in further detail below, Telrite meets these requirements and ETC designation in the Federal Jurisdiction States is warranted.

a) *Telrite is a common carrier.*⁷

⁴ 47 U.S.C. § 214(e)(6).

⁵ *See Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947 (1997).

⁶ *See Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, 15 FCC Rcd 12208, ¶ 7 (2000).

⁷ 47 CFR § 54.201(b).

The Commission has consistently held that providers of wireless services are to be treated as common carriers for regulatory purposes. In addition, section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.⁸ Telrite provides mobile telecommunications services and, accordingly, is a common carrier.

b) Telrite will Provide the Lifeline-Eligible Services by Reselling the Services of AT&T.

Section 214(e)(1)(A) of the Act states that an ETC must provide services “using its own facilities or a combination of its own facilities and resale of another carrier’s services.”⁹ The Commission’s recent order modernizing the Lifeline program granted blanket forbearance from this requirement, subject to conditions, to all ETC petitioners seeking limited ETC designation to participate in the Lifeline program.¹⁰ The Commission conditioned blanket forbearance on the petitioner’s compliance with certain ETC obligations including: providing 911 and E911 service regardless of activation status and prepaid minutes available, providing E911-compliant handsets and replacing non-compliant handsets, at no charge to the consumer, for Lifeline customers upon the effective date of the *Lifeline Reform Order*.¹¹ In addition, petitioners are required to file, and have approved, a compliance plan which includes specific information about the petitioner’s service offerings and outlines the measures the petitioner will take to implement the obligations established in the *Lifeline Reform Order* as well as other measures to prevent waste, fraud and abuse that the Commission may deem necessary.¹² Telrite commits to complying with these conditions. To this end, Telrite submitted for review, on

⁸ 47 U.S.C. § 332(c)(1)(A).

⁹ 47 U.S.C. § 214(e)(1)(A).

¹⁰ *See In re: Lifeline and Link Up Reform and Modernization*, FCC 12-11, ¶¶ 368 (Feb. 6, 2012) (“*Lifeline Reform Order*”).

¹¹ *Lifeline Reform Order*, ¶ 373.

¹² *Lifeline Reform Order*, ¶ 368.

March 12, 2012, a Compliance Plan that meets the requirements of the *Lifeline Reform Order*. A copy of the Compliance Plan is attached hereto as Exhibit B. Consequently, Telrite is not required to meet the “own facilities” requirement of Section 214(e)(1)(A).

*c) Telrite certifies it will comply with the service requirements applicable to the support the Company receives.*¹³

Telrite provides all of the telecommunications service supported by the Lifeline program¹⁴ and will make the services available to all qualified consumers throughout the Federal Jurisdiction States. The Company’s services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, Telrite’s Lifeline service offerings provide its customers with minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local service free of charge to its subscribers. Telrite’s current Lifeline offerings include packages providing 68, 125 or 250 free minutes of service per month that can be used for local and domestic long distance service. In some plan offerings, the minutes do not expire and unused minutes are rolled over to the next month. Lifeline customers also can purchase additional minutes of service at Telrite retail locations, via the Company’s website, and at MoneyGram locations.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with Commission requirements regarding E911-compatible handsets. As discussed above, Telrite will comply with the Commission’s forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

¹³ 47 C.F.R. § 54.202(a)(1).

¹⁴ See 47 C.F.R. § 54.201(d)(1).

Finally, the Company will not provide toll limitation service (“TLS”) for its wireless service offering. Telrite, like most wireless carriers, does not differentiate domestic long distance usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*, subscribers to such services are not considered to have voluntarily elected to receive TLS.¹⁵

d) *Telrite has the ability to remain functional in emergency situations.*¹⁶

As noted above, Telrite utilizes the AT&T network to provide Telrite’s mobile services. The Company has access to the extensive and well-established AT&T network and facilities and believes that AT&T’s network is capable of managing traffic spikes that may occur during emergency situations and can reroute traffic in the event of damaged facilities. Telrite also has reason to believe that AT&T has sufficient back-up power to ensure functionality if its external power supply is unavailable.

e) *Telrite will satisfy applicable consumer protection and service quality standards.*¹⁷

Section 54.202(a)(3) of the Commission’s rules states that a wireless applicant’s commitment to comply with the Cellular Telecommunications and Internet Association’s Consumer Code for Wireless Service (“CTIA Consumer Code”) will satisfy this consumer protection and service quality requirement. Telrite intends to fully comply with applicable consumer protection requirements and commits to comply with the CTIA Consumer Code. Similar to Virgin Mobile’s pledge in its recently-granted New Hampshire ETC application,¹⁸

¹⁵ See *Lifeline Reform Order*, ¶ 230.

¹⁶ 47 C.F.R. § 54.202(a)(2).

¹⁷ 47 C.F.R. § 54.202(a)(3)

¹⁸ See In re: Federal-State Joint Board on Universal Service Virgin Mobile USA, L.P. Petition for Limited Designation as an Eligible Telecommunications Carrier in the State of New Hampshire, WC Dkt. No. 09-197, at 16-17 (filed Feb. 17, 2010).

Telrite agrees to comply with the CTIA Consumer Code to ensure it offers its subscribers the highest level of protection and quality service. Telrite's pledge to provide quality service and voluntarily to comply with this code evidences its commitment to satisfying all of the applicable consumer protection and service quality standards.

f) Telrite is financially and technically capable of providing Lifeline services in compliance with the Commission's rules.

Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires ETC petitioners to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements.¹⁹ Among the factors the Commission will consider are: a petitioner's prior offering of service to non-Lifeline subscribers, the length of time the petitioner has been in business, whether the petitioner relies exclusively on Lifeline reimbursement to operate, whether the petitioner receives revenues from other sources and whether the petitioner has been the subject of an enforcement action or ETC revocation proceeding. Telrite provides several other telecommunications services in addition to its Lifeline service offerings. The Company has provided wireline local and long distance services for over 10 years and Telrite's provision of these services to its more than 30,000 customers produced substantial net income in 2011. Consequently, the Company has access to sufficient funds to operate its business and is not solely dependent on reimbursement from the Lifeline Fund. In addition, Telrite's 10 years of experience providing telecommunications services ensures the Company has the technical capability to provide Lifeline services in accordance with the Commission's rules. The Company has not been subject to enforcement actions or ETC revocation proceedings in any state.

¹⁹ *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

(g) *Terms and conditions of Telrite's voice telephony service plans for Lifeline subscribers.*²⁰

Telrite offers Lifeline subscribers a variety of voice telephony service plans.

Telrite's Lifeline service offerings include plans containing 68, 125 or 250 anytime prepaid minutes per month at no charge. The minutes in the 68 and 125 minute plans do not expire and unused minutes are rolled over to the next month. Unused minutes for the 250 minute plan do not roll over. Each Lifeline plan includes domestic long-distance service at no extra per minute charge. The Lifeline plans also provide text messaging at the following rates:

- 68 Minute Plan: 1/3 minute (*i.e.*, 3 SMS texts per voice minute)
- 125 Minute Plan: 1/2 minute (*i.e.*, 2 SMS texts per voice minute)
- 250 Minute Plan 1 minute (*i.e.*, 1 SMS per voice minute)

Lifeline customers are able to purchase additional bundles of minutes in denominations of \$10.00, \$25.00, \$7.95, \$12.95, \$21.49 and \$29.95. Airtime, when used for standard cellular calls, is valued at and will be decremented at the following rates:

- 1) \$10.00 denomination - \$0.099 per minute of use;
- 2) \$25.00 denomination - \$0.0708 per minute of use;
- 3) \$7.95 denomination - 3 day Unlimited Talk and SMS;
- 4) \$12.95 denomination - 1 week Unlimited Talk and SMS;
- 5) \$21.95 denomination – 2 weeks Unlimited Talk and SMS;
- 6) \$29.95 denomination – 1 month Unlimited Talk and SMS;

Airtime “top-up” minutes are available for purchase at the Company's retail locations, through any Money Gram location and on the Company's website.²¹ Additional information regarding the Company's plans, rates and services can be found on its website: www.lifewireless.com.

²⁰ 47 C.F.R. § 54.202(a)(5).

²¹ Top-up minutes are provided using the PureTalk USA and Pure Unlimited brands, by Puretalk Holdings, LLC, a sister company of Telrite with common ownership, though not technically an affiliate.

In addition to providing free voice services, Telrite's Lifeline plans provide customers with a free handset and a variety of free custom calling features including Call Waiting, Caller ID, Call Forwarding, Voice Mail, 3-Way Calling, No Roaming charges and free access to customer care by dialing 611 from the customer's handset or by dialing 1-888-543-3620 from any wireline phone. All Lifeline plans include free calls to 911 emergency service regardless of service activation or availability of minutes.

h) Telrite will comply with the additional ETC obligations.

Telrite is aware of the Commission's current requirements regarding certification and verification of a customer's qualification for Lifeline service and has implemented procedures to ensure the requirements are met. As described in Telrite's Compliance Plan, filed on March 12, 2012, Telrite has detailed and comprehensive procedures in place to address customer certification and verification requirements as well as those requirements addressing de-enrollment and duplication of service. These procedures comply with the Commission's recently-revised customer certification and verification requirements.²² Telrite also will comply with the annual certification and reporting requirements and the Commission's measures to prevent waste, fraud and abuse of Lifeline services.²³

Telrite does not collect service deposits for its plans and does not charge a number-portability fee, and will not do either for Lifeline accounts.²⁴ Telrite timely pays all applicable federal, state, and local regulatory fees, including universal service and E911 fees.

²² 47 C.F.R. § 54.410.

²³ 47 C.F.R. §§ 54.416, 54.422; *See also In re: Telecommunications Carriers Eligible for Universal Service Support; Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, 25 FCC Rcd 17797, ¶ 24 (2010) ("2010 Virgin Mobile ETC Order").

²⁴ *See* 47 C.F.R. § 54.401(c), (e).

*(i) Telrite advertises the availability of its service and charges in a manner reasonably designed to reach Lifeline-eligible consumers and will comply with the Commission's revised rules regarding information to be included in advertisements.*²⁵

Telrite intends to advertise its Lifeline services using media such as newspapers of general circulation, radio and television, as well as at its retail locations as a means of reaching those consumers that are likely to qualify for Lifeline services. The Company will use these advertising media to advertise the availability of its services to Lifeline customers and will expand its advertising efforts if necessary to ensure that Lifeline-eligible customers are aware of the service offerings.²⁶ Telrite will ensure that all of its Lifeline advertising materials comply with the Commission's revised rule section 54.405(c) once that rule takes effect. Specifically, Telrite's advertising materials will state, in easily understood language, that: (i) the service is a Lifeline service; (ii) Lifeline is a government assistance program; (iii) the service may not be transferred to someone else; (iv) consumers must meet certain eligibility requirements before enrolling in the Lifeline program; (v) the Lifeline program permits only one Lifeline discount per household; (vi) the documentation necessary for enrollment; (vii) Telrite is the provider of the services; and (viii) consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

IV. THE PUBLIC INTEREST WILL BENEFIT FROM GRANTING ETC STATUS TO TELRITE

The Commission's rules require that, before granting a request for ETC designation, the Commission must find that grant of the designation would be in the public interest.²⁷ In determining if the public interest showing has been met, the Commission considers

²⁵ 47 C.F.R. § 54.405(b).

²⁶ See 47 C.F.R. § 54.405(b).

²⁷ 47 C.F.R. § 54.202(b).

the “benefits of increased consumer choice and the unique advantages and disadvantages of the applicant’s service offering.”²⁸ In addition, the principal goal of the Lifeline program is to make affordable telecommunications services available to low-income consumers.²⁹

Similar to the Commission’s findings justifying grant of ETC designation to other petitioners, designation of Telrite as an ETC for Lifeline purposes will further the Commission’s goals for the Lifeline program. Specifically, the Company will offer prepaid wireless services to low-income consumers thereby increasing consumer choice by enabling the entry of a provider offering affordable telecommunications services to low-income consumers.³⁰ Telrite’s experience and longevity as a current provider of Lifeline services in other states, demonstrates the Company’s commitment and ability to provide quality Lifeline services to low-income consumers.

Further, grant of the Petition will provide consumers with access to high quality service and the benefits of a mobile service.³¹ The mobility of the service will be particularly attractive to Lifeline-eligible consumers who may frequently change residences or work in migratory jobs. Wireless service therefore offers a stable contact method where traditional landline service would be unavailable or not a viable option. Telrite’s prepaid wireless service is an especially attractive option for low-income consumers because it alleviates customer concerns regarding deposits, hidden costs, varying monthly charges and long term contract issues.

²⁸ See, e.g., *2010 Virgin Mobile ETC Order*, ¶ 6.

²⁹ See, e.g., *Lifeline and Link-Up*, 19 FCC Rcd 8302 (2004).

³⁰ See, e.g., *Virgin Mobile USA, L.P. Petition for Forbearance from 47 USC §214(e)(1)(A)*, Order, FCC 09-18, ¶ 38 (rel. March 5, 2009) (“2009 Virgin Mobile Forbearance/ETC Order”).

³¹ *2009 Virgin Mobile Forbearance/ETC Order*, ¶ 38. As discussed above, Telrite will comply with the Consumer Code for Wireless Service of CTIA – The Wireless Association.

In the current economy, many consumers are faced with making difficult choices about how to allocate and spend their limited resources. The ability to meet their communications needs while at the same time anticipating and controlling the associated costs is critical. Telrite's prepaid service offerings and rechargeable mobile phone plans enable customers to tailor their wireless services to their needs and budgets and the prepaid nature of the service also provides an alternative for "unbanked" consumers. Further, Telrite does not impose credit checks thereby providing an alternative for those low-income consumers unable to obtain credit for post-paid services provided by traditional carriers.

Telrite's prepaid mobile calling service packages provide low-income consumers with a generous number of anytime minutes at no cost to the consumers, access to domestic long distance service as well as free Call Waiting, Caller ID, Call Forwarding, Voice Mail and 3-Way Calling and calls to 911 services. These "free" minutes and custom calling features are an invaluable resource for cash-strapped consumers who may be seeking employment and need a means to be in contact with potential employers. The packages are also useful for those consumers that need the ability to stay in touch with children or other family members as well as to contact 911 emergency services when needed. Telrite's services will provide consumers with a valuable alternative for obtaining telephone service and this competition in turn could spur other service providers to improve their service options.

V. ANTI-DRUG ABUSE CERTIFICATION

Telrite certifies that no party to this Petition is subject to a denial of federal benefits that includes Commission benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

VI. CONCLUSION

For the foregoing reasons, Telrite asserts that grant of the instant Petition for Limited Designation as an Eligible Telecommunications Carrier is in the public interest and is warranted in accordance with 47 U.S.C. § 214(e)(6) of the Act.

Respectfully submitted,



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Counsel to Telrite Corporation

Dated: April 4, 2012

DECLARATION

I, Brian Lisle, President of Telrite Corporation do hereby affirm under penalty of perjury that I have reviewed all of the factual assertions set forth in the foregoing petition for ETC status and that all such statements made therein are true and correct to the best of my knowledge, information and belief.

To the best of my knowledge, no party to this Petition, nor any of their officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) as specified in Section 1.2002(b) of the Commission's rules are subject to denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Executed on April 4, 2012



Brian Lisle
President

EXHIBIT A

Documentation Regarding State ETC Jurisdiction

Alabama Public Service Commission

Orders

PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,

Joint Petitioners

PETITION: For ETC status and/or
clarification regarding the jurisdiction of
the Commission to grant ETC status to
wireless carriers.

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural

service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

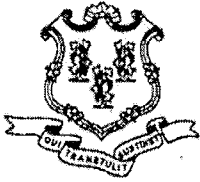
Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL

November 8, 2010

In reply, please refer to:
UR:PAP

Jacqueline Hankins
Helein & Marashlian
1420 Spring Hill Rd
Suite 205
McLean, VA 22102

Re: Request for Letter Clarifying Jurisdiction Over Wireless ETC Petitions

Dear Ms. Hankins:

The Department of Public Utility Control (Department) acknowledges receipt of your October 25, 2010 letter filed on behalf of Boomerang Wireless, LLC d/b/a Ready Mobile (Ready Mobile) requesting clarification as to whether the Department claims jurisdiction to designate wireless eligible telecommunications carriers (ETC) in Connecticut.

The Department does not regulate or license mobile carrier services' rates and charges and therefore, Ready Mobile should apply to the Federal Communications Commission for purposes of being designed an ETC.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Kimberley J. Santopietro
Executive Secretary



STATE OF DELAWARE
PUBLIC SERVICE COMMISSION

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July 15, 2009

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Wilkinson Barker Knauer, LLP
2300 N Street, NW, Ste. 700
Washington, DC 20037

RE: *Conexions LLC*

Dear Mr. Keller:

You have requested a statement confirming that the Delaware Public Service Commission ("PSC") lacks the jurisdiction to designate your client, Conexions, LLC ("Conexions"), as an Eligible Telecommunications Carrier ("ETC") under 47 U.S.C. § 214(e). You have represented that Conexions is a new mobile virtual network operator who seeks to participate in the FCC's Lifeline support program for qualifying low-income consumers.

Under state law, the Delaware PSC does not currently exercise any form of supervisory jurisdiction over wireless commercial mobile radio service ("CMRS") providers. *See* 26 *Del. C.* § 102(2) (excluding "telephone service provided by cellular technology, or by domestic public land mobile radio service" from the definition of "public utility"); 26 *Del. C.* § 202(c) (providing that the Delaware Commission has "no jurisdiction over the operation of domestic public land mobile radio service provided by cellular technology service or over rates to be charged for such service or over property, property rights, equipment of facilities employed in such service"). In fact, in granting ETC status in Delaware for Cellco Partnership d/b/a Bell Atlantic Mobile, the FCC accepted the Delaware PSC's confirmation at that time that it did not have jurisdiction under state law to designate CMRS providers as ETCs. *See Federal-State Joint Board on Universal Service; Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 16 FCC Rcd. 39 (2000), at ¶¶ 3-4. There have been no changes to state law regarding the PSC's authority over CMRS providers since the *Cellco* decision.

L. Charles Keller, Jr.
July 15, 2009
Page 2

I hope this addresses your request for confirmation that the Delaware Public Service Commission does not have jurisdiction under state law to designate CMRS providers, such as Conexions LLC, as an ETC.

Sincerely,

A handwritten signature in cursive script, reading "Bruce H. Burcat". The signature is written in dark ink and is positioned above the printed name and title.

Bruce H. Burcat
Executive Director

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
VERIZON DELAWARE INC., TO MODIFY THE)
LIFELINE SERVICE BY ADDING AN INCOME) PSC DOCKET NO. 05-016T
QUALIFIER TO THE ELIGIBILITY CRITERIA)
(FILED JUNE 17, 2005))

ORDER NO. 6736

This 11th day of October, 2005, the Commission determines and Orders the following:

1. In the jargon of the federal Lifeline/Link-Up program, Delaware is a "federal default State." Delaware has never, by either state law or state regulation, ordained, nor funded, a stand-alone program to provide discounts on basic telephone services charges for low-income subscribers. Consequently, it was not until 1997, when the Federal Communications Commission ("FCC") revamped the federal Lifeline/Link-Up program, that Delaware subscribers first became eligible for participation in the federal Lifeline program.¹ And given that in a "federal default State" only federally-raised monies are used to reimburse eligible carriers for the Lifeline and Link-Up discounts, it is the FCC, and not the state commission, that gets to call the tune about who should be eligible to receive these federally-subsidized price reductions.

2. Since 1997, Verizon Delaware Inc. ("VZ-DE") has been designated as an "eligible telecommunications carrier" and has offered

¹See PSC Order No. 4684 (Dec. 16, 1997) (summarizing Delaware history and electing to allow "Tier 2" federal support to eligible Delaware subscribers).

federal Lifeline discounts on the federal list of supported services.² And even though in "default" States, Lifeline is almost an exclusively federal program, VZ-DE has, since 1997, filed at the State level, tariff provisions setting forth its Lifeline offerings.³

3. In 2004, the FCC changed some of the "eligibility" rules describing which subscribers may participate in the federal Lifeline/Link-Up program.⁴ In particular, the 2004 amendments added additional programs to the list of "eligible" programs where participation confers federal default Lifeline/Link-Up eligibility.⁵ The 2004 amendments also introduced an additional eligibility criteria premised on the subscriber's household income.⁶ Eligible telecommunications carriers, such as VZ-DE, were given one year to implement this new, additional income-based eligibility criteria.⁷

4. To implement these changes prescribed by the FCC, VZ-DE initially filed revisions to the Lifeline and Link-Up portions of its

²See PSC Order No. 4680 (Dec. 17, 1997) ("ETC" designation for VZ-DE). See also PSC Dckt. No. 97-023T (initial Lifeline tariff filing by VZ-DE).

³From December 2000 through December 2003, VZ-DE offered, under its state tariff, an "expanded" Lifeline program for Delaware. The discounts under such program exceeded the Tiers 1 & 2 levels normally available in a default State. VZ-DE offered this expanded program to fulfill a condition imposed by the FCC in approving the Bell Atlantic-GTE merger. See PSC Order No. 6317 (Dec. 9, 2003) (explaining content and cause of this expanded Lifeline offering). Whether Delaware remained a "default State" during this period when VZ-DE subsidized the deeper discounts is an issue that need now be explored or resolved. This "expanded" program ended in December 2003.

⁴In the Matter of Lifeline and Link-Up, Report and Order and Further NPRM, 19 FCC Rcd. 8302 (FCC 2004) ("Lifeline Order").

⁵47 C.F.R. §§ 54.409(b) (Lifeline eligibility criteria in "default" State); 54.415(b) (Link-Up eligibility criteria in "default" State).

⁶47 C.F.R. §§ 54.409(b), 54.410 (Lifeline); 54.415(b), 54.416 (Link-Up).

⁷47 C.F.R. §§ 54.410(a)(ii), 54.416.

State tariff. These changes incorporated into the State tariff provisions the expanded list of "eligibility-conferring" programs.⁸ At the same time, the Commission Staff began discussions with VZ-DE to determine whether, under the applicable federal default rules, it was appropriate for VZ-DE to continue to include in its State tariff Lifeline provisions language that conditioned Lifeline eligibility on the subscriber foregoing the ability to purchase many optional or vertical services.⁹ Eventually, VZ-DE revised its State tariff Lifeline provisions to delete the questioned restrictions.¹⁰ Then in June 2005, VZ-DE filed another Tariff revision to reflect its implementation of the household-income criteria for eligibility for Lifeline and Link-Up discounts.¹¹ Finally, on September 9, 2005, VZ-DE submitted another set of revised tariff sheets reflecting further textual revisions, as originally suggested by Staff. In part, these final changes sought to make the State tariff's description of how VZ-DE would administer its Lifeline/Link-Up program to more closely parallel the governing federal default rules.¹²

⁸See PSC Dckt. No. 04-017T (filed July 26, 2004; eff. July 27, 2004).

⁹That restriction - limiting Lifeline subscribers to a small group of designated vertical services - had been a continual part of VZ-DE's state-tariffed Lifeline offerings since 1997. In its Lifeline Order, the FCC expressed its belief that "any restriction on the purchase of vertical services may discourage qualified consumers from enrolling and may serve as a barrier to participation in the [Lifeline] program. Lifeline Order at ¶ 53.

¹⁰See PSC Dckt. No. 05-008T (filed April 8, 2005; eff. April 16, 2005).

¹¹See PSC Dckt. No. 05-016T (filed June 17, 2005; eff. June 22, 2005).

¹²See PSC Dckt. No. 05-016T, amended tariff sheets filed on September 9, 2005 but with effective date of June 22, 2005).

5. The Commission enters this Order not so much to "approve" the various Lifeline filings made by VZ-DE but to recount the course of the filings made since the FCC changed its federal Lifeline/Link-Up program in 2004. Indeed, given that Delaware is a "default" State, VZ-DE's Lifeline/Link-Up offerings are governed more by the federal default rules than by any "approved" State tariff provision. Any State tariff provision that might conflict with a federal default rule would necessarily have to yield. However, the Commission will accept the Lifeline and Link-Up tariff filings lodged by VZ-DE. The Commission believes that VZ-DE's last submission (in September 2005) sets forth a Lifeline and Link-Up offering that is consistent with the federal default rules. However, the filing and acceptance of the State tariff provisions should not be seen as foreclosing any later challenge that VZ-DE's program falls short of the federal directives.

Now, therefore, **IT IS ORDERED:**

1. That, as explained in the body of this Order, the Commission accepts the tariff filings made by Verizon Delaware Inc., to implement its responsibilities to provide federal Lifeline and Link-Up in this "federal default" jurisdiction. In particular, the Commission now accepts the tariff revision filing made September 9, 2005 pertaining to the following leaves in P.S.C.-Del.-No. 1:

Section 20D, Fourteenth Revised Sheet 1 (Link-Up);

Section 20D, Fifth Revised Sheet 2 (Link-Up); and

Section 20E, Eighth Revised Sheet 2 (Lifeline).

2. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

Vice Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

ATTEST:

/s/ Norma J. Sherwood
Acting Secretary



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpsc.org

March 27, 2012

Via First Class Mail

John J. Heitmann and Joshua T. Guyan
Kelley Drye & Warren LLP
Washington Harbour Suite 400
3050 K Street, NW
Washington, DC 20007-5108

Dear Mr. Heitmann and Mr. Guyan:

Thank you for your March 23, 2012 letter requesting information on whether the Public Service Commission of the District of Columbia ("Commission") designates wireless telecommunications carriers as eligible telecommunications carriers ("ETC") for the purposes of receiving federal universal service funding. Please be advised that, pursuant to section 34-2006(b) of the District of Columbia Code, the Commission does not have jurisdiction over wireless carriers. Thus, the Commission has no authority to designate wireless telecommunications carriers as ETCs.

Attached please find a copy of the relevant section of the District of Columbia Code for your information. Should you need anything further, please contact Lara Walt at 202-626-9191 or lwalt@psc.dc.gov.

Sincerely,

A handwritten signature in black ink, which appears to read "Richard A. Beverly".

Richard A. Beverly
General Counsel

Enclosure



D.C. Council Home

Home Search Help ©



Welcome to the online source for the District of Columbia Official Code

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness

Division V. Local Business Affairs

Title 34. Public Utilities.

§ Subtitle V. Telecommunications.

§ Chapter 20. Telecommunications Competition.

➔ § 34-2006. Exemptions.

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

(c) This chapter shall not:

- (1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;
- (2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;
- (3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or
- (4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Effect of Amendments

D.C. Law 17-165 added subsec. (c).

Legislative History of Laws

For legislative history of D.C. Law 11-154, see Historical and Statutory Notes following § 34-2001.

For Law 17-165, see notes following § 34-403.

References in Text

The federal Telecommunications Act of 1996, referred to in (b), is Pub. L. 104-104, which is codified throughout Title 47 of the United States Code.

DC CODE § 34-2006

Current through January 11, 2012

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STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

October 24, 2011

Ms. Kasey C. Chow
Lance J.M. Steinhart, P.C.
Attorney At Law
1725 Windward Concourse
Suite 150
Alpharetta, GA 30005


Re: Undocketed – Q Link Wireless LLC's ETC Designation

Dear Ms. Chow:

We received your October 18, 2011 letter advising that Q Link Wireless LLC, a commercial mobile radio service provider, wish to seek designation as an ETC in Florida. You also requested an affirmative statement that the Florida Public Service Commission no longer assert jurisdiction to designate commercial mobile radio service providers as eligible telecommunication carriers in Florida.

This letter acknowledges that the revisions to Chapter 364, Florida Statutes, changed the Commission's jurisdiction regarding telecommunications companies. I direct your attention to Chapter 364, Florida Statutes, for the proposition that the Federal Communications Commission, rather than this Commission is the appropriate agency to consider Q Link Wireless LLC's bid for ETC status.

Sincerely,


S. Curtis Kiser
General Counsel

cc: Beth W. Salak, Director, Division of Regulatory Analysis
Robert J. Casey, Public Utilities Supervisor, Division of Regulatory Analysis
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel
Ann Cole, Commission Clerk, Office of Commission Clerk

THE STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

March 28, 2011

RE: ETC Certification in New Hampshire

The federal Universal Service Fund (USF) was created by the Federal Communications Commission (FCC) to promote the availability of quality services at just and reasonable rates to all consumers including low-income customers and those in high cost areas and to increase nationwide access to advanced services in schools, libraries and rural health care facilities. To qualify for universal service funding a carrier must first be certified as an Eligible Telecommunications Carrier (ETC) by the state public utilities commission or, if the state does not assert this authority, by the FCC. *See* 47 U.S.C. §214 (e).

The New Hampshire Public Utilities Commission maintains authority to determine whether landline telecommunications carriers qualify as ETCs. Pursuant to New Hampshire RSA 362:6, the Commission has no jurisdiction over mobile radio communications services. Consequently, the state declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross
General Counsel
New Hampshire Public Utilities Commission

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.state.ny.us

PUBLIC SERVICE COMMISSION

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JAMES L. LAROCCA
Commissioners



PETER MCGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

July 28, 2010

TO WHOM IT MAY CONCERN:

Re: i-wireless CMRS Jurisdiction

We have received a letter from i-wireless, LLC (i-wireless), requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier designations under section 214 (e)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstituted under section 5 (6)(a) of the Public Service Law. Consequently, based on the representation by i-wireless that it is a mobile virtual network operator reselling wireless services, i-wireless would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

Very truly yours,

Maurkeen J. McCauley
Maurkeen J. McCauley
Assistant Counsel

M. Cauley

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 133o

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility," See, G.S. 82-3(23). Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-5(23)), enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

Patricia Swenson

Patricia Swenson, Deputy Clerk

W002303.01

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

)
)
)
)
)

DOCKET NO.
02-01245

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier ("Application")* filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, "[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission."

The Authority's lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission's jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission ("FCC") to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority's decision in *In re Universal Service Generic Contested Case*, Docket 97-05223, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the Intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00838 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission's rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

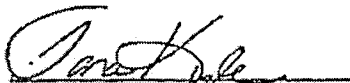
In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴


The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

³ *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 95-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.R. 12208, 12264, § 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION DOCUMENT CONTROL
AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.¹ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

¹ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").²

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.³

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.⁴ The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."⁵

² CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*.

³ See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.state.va.us/scc/caseinfo.htm>.

⁴ The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

⁵ The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW. We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.⁶ However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

⁶ See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

EXHIBIT B

Compliance Plan

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of	
Telecommunications Carriers Eligible to Receive Universal Service Support	WC Docket No. 09-197
Lifeline and Link Up Reform and Modernization	WC Docket No. 11-42
Telrite Corporation	

TELRITE CORPORATION COMPLIANCE PLAN

Telrite Corporation (“Telrite” or the “Company”),¹ through its undersigned counsel, hereby respectfully submits and requests expeditious approval of its Compliance Plan outlining the measures it will take to implement the conditions imposed by the Commission in its *Lifeline Reform Order*.²

The Company commends the Commission’s commitment to a nationwide communications system that promotes the safety and welfare of all Americans, including

¹ The Company hereby also reports its corporate and trade names, identifiers, and its holding company, operating companies and affiliates as: Telrite Corporation (corporate name), Life Wireless (trade name) and Telrite Holdings, LLC (holding company).

² See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report And Order and Further Notice Of Proposed Rulemaking, FCC 12-11 (Feb. 6, 2012) (“*Lifeline Reform Order*”). The Company herein submits the information required by the Compliance Plan Public Notice. See *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, WC Docket Nos. 09-197, 11-42, Public Notice, DA 12-314 (rel. Feb. 29, 2012).

Lifeline customers. Telrite will comply with 911 requirements as described below and it is submitting this Compliance Plan in order to qualify for blanket forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act and participate as an eligible telecommunications carrier (“ETC”) in the Lifeline program.³

The Company will comply fully with all conditions set forth in the *Lifeline Reform Order*, as well as with the Commission’s Lifeline rules and policies more generally.⁴ This Compliance Plan describes the specific measures that the Company intends to implement to achieve these objectives. Specifically, this Compliance Plan: (1) describes the specific measures that Telrite will take to implement the obligations contained in the *Lifeline Reform Order*, including the procedures the Company follows in enrolling a subscriber in Lifeline and submitting for reimbursement for that subscriber from the low income fund, materials related to initial and ongoing certifications and sample marketing materials; and (2) provides a detailed description of how Telrite offers Lifeline services, the geographic areas in which it offers services, and a detailed description of the Company’s Lifeline service plan offerings.

³ See *Lifeline Reform Order*, ¶ 368. Although the Company qualifies for and seeks to avail itself of the Commission’s grant of forbearance from the facilities requirement of section 214(e)(1)(A) for purposes of the federal Lifeline program, the Company reserves the right to demonstrate to a state public utilities commission that it provides service using its own facilities in a state for purposes of state universal service funding under state program rules and requirements.

⁴ In addition, this Compliance Plan is consistent with the compliance plan filed by Cricket Communications, Inc. See Notice of *Ex Parte* Communication of Cricket Communications, Inc., WC Docket No. 09-197 (Sept. 23, 2011) (“Cricket Compliance Plan”). The Wireline Competition Bureau approved the Cricket Compliance Plan on February 7, 2012. See *Telecommunications Carriers Eligible for Universal Service Support, Cricket Communications, Inc. Petition for Forbearance*, WC Docket No. 09-197, Order, DA 12-158 (Feb. 7, 2012).

ACCESS TO 911 AND E911 SERVICES⁵

Pursuant to the *Lifeline Reform Order*, forbearance is conditioned upon the Company: (1) providing its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes; and (2) providing its Lifeline subscribers with E911-compliant handsets and replacing, at no additional charge to the subscriber, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.⁶ Telrite will comply with these conditions starting on the effective date of the *Lifeline Reform Order*.

The Company will provide its Lifeline customers with access to 911 and E911 services immediately upon activation of service. The Commission and consumers are hereby assured that all Telrite customers will have available access to emergency calling services at the time that Lifeline service is initiated, and that such 911 and E911 access will be available from Telrite handsets, even if the account associated with the handset has no minutes remaining.

The Company's existing practices currently provide access to 911 and E911 services for all customers. Telrite uses AT&T as its underlying network provider/carrier. AT&T routes 911 calls from the Company's customers in the same manner as 911 calls from AT&T's own retail customers. To the extent that AT&T is certified in a given PSAP territory, this 911 capability will function the same for the Company. Telrite also currently enables 911 emergency calling services for all properly activated handsets regardless of whether the account associated with the handset is active or suspended.

⁵ See Compliance Plan Public Notice at 3.

⁶ See *Lifeline Reform Order*, ¶ 373.

Finally, the Company transmits all 911 calls initiated from any of its handsets even if the account associated with the handset has no remaining minutes.

E911-Compliant Handsets. Telrite will ensure that all handsets used in connection with the Lifeline service offering are E911-compliant. In point of fact, the Company's phones have always been and will continue to be 911 and E911-compliant. The Company uses phones from AT&T that have been through a stringent certification process with AT&T, which ensures that the handset models used meet all 911 and E911 requirements. As a result, any existing customer that qualifies for and elects Lifeline service will already have a 911/E911-compliant handset, which will be confirmed at the time of enrollment in the Lifeline program. Any new customer that qualifies for and enrolls in the Lifeline program is assured of receiving a 911/E911-compliant handset as well, free of charge.

COMPLIANCE PLAN

I. PROCEDURES TO ENROLL A SUBSCRIBER IN LIFELINE⁷

A. Policy

Telrite will comply with the uniform eligibility criteria established in new section 54.409 of the Commission's rules (when it becomes effective on June 1, 2012), as well as any additional certification and verification requirements for Lifeline eligibility in states where the Company is designated as an ETC.

Therefore, all subscribers will be required to demonstrate eligibility based at least on: (1) household income at or below 135% of the Federal Poverty Guidelines for a household of that size; or (2) the household's participation in one of the federal assistance

⁷ See Compliance Plan Public Notice at 3.

programs listed in new sections 54.409(a)(2) or 54.409(a)(3) of the Commission's rules. In addition, through the certification requirements described below, the Company will confirm that the subscriber is not already receiving a Lifeline service and no one else in the subscriber's household is subscribed to a Lifeline service.

B. Eligibility Determination

If Telrite cannot determine a prospective subscriber's eligibility for Lifeline by accessing income databases or program eligibility databases, the Company's employees or agents ("Company personnel") will review documentation establishing eligibility pursuant to the Lifeline rules.⁸ All personnel who interact with actual or prospective customers will be trained to assist Lifeline applicants in determining whether they are eligible to participate based on the federal and state-specific income-based and/or program-based criteria. These personnel will be trained to answer questions about Lifeline eligibility, and will review required documentation to determine whether it satisfies the *Lifeline Reform Order* and state-specific eligibility requirements using state-specific checklists.⁹

Proof of Eligibility. Company personnel will be trained on acceptable documentation required to establish income-based and program-based eligibility.¹⁰ Acceptable documentation of program eligibility includes: (1) the current or prior year's statement of benefits from a qualifying state, federal or Tribal program; (2) a notice letter of participation in a qualifying state, federal or Tribal program; (3) program participation

⁸ See *Lifeline Reform Order*, ¶ 100; sections 54.410(b)(1)(i)(B), 54.410(c)(1)(i)(B); Cricket Compliance Plan at 4.

⁹ See Cricket Compliance Plan at 6.

¹⁰ See *Lifeline Reform Order*, ¶ 101.

documents (*e.g.*, the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid participation card (or copy thereof)); or (4) another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program.¹¹

Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workmen's Compensation statement of benefits; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information for at least three months time.¹²

Company personnel will examine this documentation for each Lifeline applicant, and will record the type of documentation used to satisfy the income- or program-based criteria.¹³ The Company will not retain a copy of this documentation.¹⁴ Where the Company personnel conclude that proffered documentation is insufficient to establish such eligibility, the Company will deny the associated application and inform the applicant of the reason for such rejection.¹⁵ In the event that Company personnel cannot ascertain whether documentation of a specific type is sufficient to establish an applicant's

¹¹ *Id.* and section 54.410(c)(1)(i)(B).

¹² *See Lifeline Reform Order*, ¶101; section 54.410.(b)(1)(i)(B).

¹³ *See Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(iii), 54.410(c)(1)(iii).

¹⁴ *See Lifeline Reform Order*, ¶101; sections 54.410(b)(1)(ii), 54.410(c)(1)(ii).

¹⁵ *See Cricket Compliance Plan* at 6.

eligibility, the matter will be escalated to supervisory personnel at the Company's corporate offices in Covington, GA.¹⁶

De-Enrollment for Ineligibility. If Telrite has a reasonable basis to believe that one of its Lifeline subscribers no longer meets the eligibility criteria, the Company will notify the subscriber of impending termination in writing and in compliance with any applicable state dispute resolution procedures applicable to Lifeline termination, and give the subscriber 30 days to demonstrate continued eligibility.¹⁷ A demonstration of eligibility must comply with the annual verification procedures below and found in new rule section 54.410(f), including the submission of a certification form.

C. Subscriber Certifications for Enrollment

The Company will implement certification policies and procedures that enable consumers to demonstrate their eligibility for Lifeline assistance to Company personnel as detailed in the *Lifeline Reform Order*, together with any additional state certification requirements.¹⁸ The Company shares the Commission's concern about abuse of the Lifeline program and is thus committed to the safeguards stated herein, with the belief that these procedures will prevent the Company's customers from engaging in such abuse of the program, inadvertently or intentionally.¹⁹ Every applicant will be required to complete an application/certification form containing disclosures, and collecting certain

¹⁶ See *id.*

¹⁷ See *Lifeline Reform Order*, ¶ 143; section 54.405(e)(1).

¹⁸ *Lifeline Reform Order*, ¶ 61; section 54.410(a).

¹⁹ See Cricket Compliance Plan at 3.

information and certifications as discussed below.²⁰ Applicants that do not complete the form in person will be required to return the signed application/certification form to the Company by mail, facsimile, electronic mail or other electronic transmission. In addition, Company personnel will verbally explain the certifications to consumers when they are enrolling in person or over the phone.²¹

Disclosures. The Company's application and certification forms will include the following disclosures: (1) Lifeline is a federal benefit and willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program; (2) only one Lifeline service is available per household; (3) a household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses; (4) a household is not permitted to receive Lifeline benefits from multiple providers; (5) violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the applicant's de-enrollment from the program; and (6) Lifeline is a non-transferable benefit and the applicant may not transfer his or her benefit to any other person.²²

Applications and certification forms will also state that: (1) the service is a Lifeline service, (2) Lifeline is a government assistance program, and (3) only eligible consumers may enroll in the program.²³

²⁰ See Model Application/Certification Form, included as Exhibit A. See Compliance Plan Public Notice at 3.

²¹ See *Lifeline Reform Order*, ¶ 123.

²² See *id.*, ¶ 121; section 54.410(d)(1).

²³ See section 54.405(c).

In addition, Telrite will notify the applicant that the prepaid service must be personally activated by the subscriber and the service will be deactivated and the subscriber de-enrolled if the subscriber does not use the service for 60 days.²⁴

Information Collection. The Company will also collect the following information from the applicant in the application/certification form: (1) the applicant's full name;²⁵ (2) the applicant's full residential address (P.O. Box is not sufficient²⁶); (3) whether the applicant's residential address is permanent or temporary; (4) the applicant's billing address, if different from the applicant's residential address; (5) the applicant's date of birth; (6) the last four digits of the applicant's Social Security number (or the applicant's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a Social Security number); (7) if the applicant is seeking to qualify for Lifeline under the program-based criteria, the name of the qualifying assistance program from which the applicant, his or her dependents, or his or her household receives benefits;²⁷ and (8) if the applicant is seeking to qualify for Lifeline under the income-based criterion, the number of individuals in his or her household.²⁸

Applicant Certification. Consistent with new rule section 54.410(d)(3), the Company will require the applicant to certify, under penalty of perjury, in writing or by electronic signature or interactive voice response recording,²⁹ the following: (1) the applicant meets the income-based or program-based eligibility criteria for receiving

²⁴ See *Lifeline Reform Order*, ¶ 257.

²⁵ See Cricket Compliance Plan at 4.

²⁶ See *Lifeline Reform Order*, ¶ 87.

²⁷ See Cricket Compliance Plan at 4.

²⁸ See section 54.410(d)(2). See Cricket Compliance Plan at 4.

²⁹ See *Lifeline Reform Order*, ¶¶ 168-69; section 54.419.

Lifeline; (2) the applicant will notify the Company within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the applicant no longer meets the income-based or program-based criteria for receiving Lifeline support, the applicant is receiving more than one Lifeline benefit, or another member of the applicant's household is receiving a Lifeline benefit; (3) if the applicant is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands; (4) if the applicant moves to a new address, he or she will provide that new address to the Company within 30 days; (5) if the applicant provided a temporary residential address to the Company, the applicant will be required to verify his or her temporary residential address every 90 days; (6) the applicant's household will receive only one Lifeline service and, to the best of the applicant's knowledge, the applicant's household is not already receiving a Lifeline service;³⁰ (7) the information contained in the applicant's certification form is true and correct to the best of the applicant's knowledge;³¹ (8) the applicant acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and (9) the applicant acknowledges that the applicant may be required to re-certify his or her continued eligibility for Lifeline at any time, and the applicant's failure to re-certify as to the applicant's continued eligibility will result in de-enrollment and the termination of the applicant's Lifeline benefits pursuant to the de-enrollment policy included below and in the Commission's rules.

In addition, the applicant will be required to authorize the Company to access any records required to verify the applicant's statements on the application/certification form

³⁰ See Cricket Compliance Plan at 4.

³¹ See *id.* at 5.

and to confirm the applicant's eligibility for the Company Lifeline credit.³² The applicant must also authorize the Company to release any records required for the administration of the Company Lifeline credit program, including to USAC to be used in a Lifeline program database.³³

D. Annual Verification Procedures

Telrite will annually re-certify all subscribers by querying the appropriate eligibility databases or obtaining a signed certification from each subscriber consistent with the certification requirements above and new section 54.410(d) of the Commission's rules. This certification will include a confirmation that the applicant's household will receive only one Lifeline service and, to the best of the subscriber's knowledge, the subscriber's household is receiving no more than one Lifeline service.³⁴ The Company will notify each participating Lifeline customer annually that he or she must confirm his or her continued eligibility in accordance with the applicable requirements.³⁵ Further, the verification materials will inform the subscriber that he or she is being contacted to re-certify his or her continuing eligibility for Lifeline and if the subscriber fails to respond, he or she will be de-enrolled in the program.³⁶

³² See *id.* at 5.

³³ See Section 54.404(b)(9). The application/certification form will also describe the information that will be transmitted, that the information is being transmitted to USAC to ensure the proper administration of the Lifeline program and that failure to provide consent will result in the applicant being denied the Lifeline service. See *id.* See also Cricket Compliance Plan at 5.

³⁴ See *Lifeline Reform Order*, ¶ 120 and Cricket Compliance Plan at 8.

³⁵ See Cricket Compliance Plan at 8.

³⁶ See *Lifeline Reform Order*, ¶ 145.

2012 Verification. Telrite will re-certify the eligibility of each of its existing subscribers as of June 1, 2012 on a rolling basis by the end of 2012 and report the results to USAC by January 31, 2013.³⁷ The Company will contact its subscribers via text message to their Lifeline supported telephone, or by mail, phone, email or other Internet communication. The notice will explain the actions the customer must take to retain Lifeline benefits, when Lifeline benefits may be terminated, and how to contact the Company.

Verification De-Enrollment. Telrite will de-enroll subscribers that do not respond to the annual verification or fail to provide the required certification.³⁸ The Company will give subscribers 30 days to respond to the annual verification inquiry. If the subscriber does not respond, the Company will send a separate written notice explaining that failure to respond within 30 days will result in the subscriber's de-enrollment from the Lifeline program. If the subscriber does not respond within 30 days, the Company will de-enroll the subscriber within five business days.

E. Activation and Non-Usage

Telrite will not consider a prepaid subscriber activated, and will not seek reimbursement for Lifeline for that subscriber, until the subscriber activates the Company's prepaid service by a method established by Telrite. For activation of a handset provided to a new customer at an event or "in the field", successful applicants are provided a functioning handset and instructed to dial 770-200-1000 to complete the activation process. Such calls are free of charge to the applicant. To activate a handset

³⁷ *See Lifeline Reform Order*, ¶ 130.

³⁸ *See id.*, ¶ 142; section 54.54.405(e)(4).

provided to a successful applicant by mail, upon receipt of the handset, the applicant must contact Telrite customer service at 888-543-3620 or 888-543-3640 to activate the service. The customer must verify account details including the customer name and service address. The customer must also verify that he or she ordered the Lifeline service.

In addition, after service activation, the Company will provide a de-enrollment notice to subscribers that have not used their service for 60 days. After 60 days of non-use, Telrite will provide notice to the subscriber that failure to use the Lifeline service within a 30-day notice period will result in de-enrollment.³⁹ Subscribers can “use” the service by: (1) completing an outbound call; (2) purchasing minutes from the Company to add to the subscriber’s plan; (3) answering an incoming call from a party other than the Company; or (4) responding to a direct contact from the Company and confirming that the subscriber wants to continue receiving the service.⁴⁰

If the subscriber does not respond to the notice, the subscriber will be de-enrolled and Telrite will not request further Lifeline reimbursement for the subscriber. The Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁴¹

F. Additional Measures to Prevent Waste, Fraud and Abuse

To supplement its verification and certification procedures, and to better ensure that customers understand the Lifeline service restrictions with respect to duplicates, the

³⁹ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3). See Cricket Compliance Plan at 2 (stating that it did not need to implement a non-usage policy because it offered only plans with unlimited local and long distance calling).

⁴⁰ See *Lifeline Reform Order*, ¶ 261; section 54.407(c)(2).

⁴¹ See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

Company will implement measures and procedures to prevent duplicate Lifeline benefits being awarded to the same household. These measures entail additional emphasis in written disclosures as well as live due diligence.⁴²

In addition to checking the database when it becomes available, Company personnel will emphasize the “one Lifeline phone per household” restriction in their direct sales contacts with potential customers.⁴³ Training materials will include a discussion of the limitation to one Lifeline phone per household, and the need to ensure that the customer is informed of this restriction.⁴⁴ All Company personnel interacting with existing and potential Lifeline customers will undergo training regarding the eligibility and certification requirements in the *Lifeline Reform Order* and this Compliance Plan. New Company personnel undergo an initial mandatory training session where they are given training materials, a field training manual and a compliance manual, as well as shown visual examples of documents acceptable to demonstrate eligibility for the Lifeline program. These training documents are being updated to reflect the requirements of the Lifeline Reform Order and this Compliance Plan, and they will be provided to existing Company personnel.

Database. When the National Lifeline Accountability Database (“National Database”) becomes available, Telrite will comply with the requirements of new rule section 54.404. The Company will query the National Database to determine whether a prospective subscriber is currently receiving a Lifeline service from another ETC and

⁴² See Cricket Compliance Plan at 9.

⁴³ See *id.* at 6, 9.

⁴⁴ See *id.*

whether anyone else living at the prospective subscriber's residential address is currently receiving Lifeline service.⁴⁵

One-Per-Household. Telrite will implement the requirements of the *Lifeline Reform Order* to ensure that it provides only one Lifeline benefit per household⁴⁶ through the use of its application and certification forms discussed above, internal database checks and its marketing materials discussed below. Upon receiving an application for the Company's Lifeline service, Telrite validates and normalizes the address provided via the MELISSA database and then the name, address, date of birth and last four digits of the Social Security number are entered into Telrite's internal duplicate database to ensure that it does not already provide Lifeline-supported service to that individual or another person at the same address.⁴⁷ If so, and the applicant lives at an address with multiple households, the Company will require the applicant to complete and submit a written USAC document containing the following: (1) an explanation of the Commission's one-per-household rule; (2) a check box that an applicant can mark to indicate that he or she

⁴⁵ See *Lifeline Reform Order*, ¶ 203. Company will also transmit to the National Database the information required for each new and existing Lifeline subscriber. See *id.*, ¶¶ 189-195; section 54.404(b)(6). Further, Company will update each subscriber's information in the National Database within ten business days of any change, except for de-enrollment, which will be transmitted within one business day. See section 54.404(b)(8),(10).

⁴⁶ A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians. See *Lifeline Reform Order*, ¶ 74; section 54.400(h).

⁴⁷ See *Lifeline Reform Order*, ¶ 78 and See Cricket Compliance Plan at 7.

lives at an address occupied by multiple households; (3) a space for the applicant to certify that he or she shares an address with other adults who do not contribute income to the applicant's household and share in the household's expenses or benefit from the applicant's income, pursuant to the Commission's definition; and (4) the penalty for a consumer's failure to make the required one-per-household certification (*i.e.*, de-enrollment).⁴⁸ Further, if a subscriber provides a temporary address on his or her application/certification form collected as described above, the Company will verify with the subscriber every 90 days that the subscriber continues to rely on that address.⁴⁹

Finally, Company personnel will inform each Lifeline applicant that he or she may be receiving Lifeline support under another name, and facilitate the applicant's understanding of what constitutes "Lifeline-supported services," and ability to determine whether he or she is already benefiting from Lifeline support, by informing the consumer that all Lifeline services may not be currently marketed under the name Lifeline.

Marketing Materials. Within the deadline provided in the *Lifeline Reform Order*, the Company will include the following information regarding its Lifeline service on all marketing materials describing the service: (1) it is a Lifeline service,⁵⁰ (2) Lifeline is a government assistance program, (3) the service is non-transferable, (4) only eligible consumers may enroll in the program, (5) the program is limited to one discount per household; (6) what documentation is necessary for enrollment;⁵¹ (7) Telrite's name (the ETC); and (8) consumers who willfully make a false statement in order to obtain the

⁴⁸ See *id.*

⁴⁹ See *Lifeline Reform Order*, ¶ 89.

⁵⁰ See *id.* at 4.

⁵¹ See *id.*

Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.⁵² These statements will be included in all print, audio video and web materials (including social networking media) used to describe or enroll customers in the Company's Lifeline service offering, as well as the Company's application forms and certification forms.⁵³ This specifically includes the Company's website (www.lifewireless.com) and outdoor signage.⁵⁴ A sample of the Company's marketing materials is included as Exhibit B.

G. Company Reimbursements From the Fund

To ensure that the Company does not seek reimbursement from the Fund without a subscriber's consent, Telrite will certify, as part of each reimbursement request, that it is in compliance with all of the Commission's Lifeline rules and, to the extent required, has obtained valid certification and verification forms from each of the subscribers for whom it is seeking reimbursement.⁵⁵ Further, the Company will transition the submission of its FCC Forms 497 to the eighth day of each month in order to be reimbursed the same month, and inform USAC, to the extent necessary, to transition its reimbursement process to actual claims rather than projected claims over the course of more than one month.⁵⁶ In addition, the Company will keep accurate records as directed by USAC⁵⁷ and as required by new section 54.417 of the Commission's rules.

⁵² See *Lifeline Reform Order*, ¶ 275; section 54.405(c).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ See *Lifeline Reform Order*, ¶ 128; section 54.407(d).

⁵⁶ See *Lifeline Reform Order*, ¶¶ 302-306.

⁵⁷ See *id.*

H. Annual Company Certifications

Telrite will submit an annual certification to USAC, signed by a Company officer under penalty of perjury, that the Company: (1) has policies and procedures in place to review consumers' documentation of income- and program-based eligibility and ensure that its Lifeline subscribers are eligible to receive Lifeline services;⁵⁸ (2) is in compliance with all federal Lifeline certification procedures;⁵⁹ and (3) has obtained a valid certification form for each subscriber for whom the carrier seeks Lifeline reimbursement.⁶⁰

In addition, the Company will provide the results of its annual re-certifications/verifications on an annual basis to the Commission, USAC, the applicable state commission and the relevant Tribal governments (for subscribers residing on Tribal lands).⁶¹ Further, as discussed above, the Company will report annually to the Commission the number of subscribers de-enrolled for non-usage by month.⁶²

The Company will also annually report to the Commission, USAC, and relevant state commissions and the relevant authority in a U.S. territory or Tribal government as appropriate,⁶³ the company name, names of the company's holding company, operating companies and affiliates, and any branding (such as a "dba" or brand designation) as well as relevant universal service identifiers for each entity by Study Area Code.⁶⁴ The

⁵⁸ See *id.*, ¶ 126; section 54.416(a)(1).

⁵⁹ See *Lifeline Reform Order*, ¶ 127; section 54.416(a)(2).

⁶⁰ See section 54.416(a)(3).

⁶¹ See *Lifeline Reform Order*, ¶¶ 132,148; section 54.416(b).

⁶² See *Lifeline Reform Order*, ¶ 257; section 54.405(e)(3).

⁶³ See *Lifeline Reform Order*, section 54.422(c).

⁶⁴ See *Lifeline Reform Order*, ¶¶ 296, 390; section 54.422(a).

Company will report annually information regarding the terms and conditions of its Lifeline plans for voice telephony service offered specifically for low income consumers during the previous year, including the number of minutes provided and whether there are additional charges to the consumer for service, including minutes of use and/or toll calls.⁶⁵ Finally, the Company will annually provide detailed information regarding service outages in the previous year, the number of complaints received and certification of compliance with applicable service quality standards and consumer protection rules, as well as a certification that the Company is able to function in emergency situations.⁶⁶

I. Cooperation with State and Federal Regulators

The Company has cooperated and will continue to cooperate with federal and state regulators to prevent waste, fraud and abuse. More specifically, the Company will:

- Make available state-specific subscriber data, including the names and addresses of Lifeline subscribers, to USAC and to each state public utilities commission where the Company operates for the purpose of determining whether an existing Lifeline subscriber receives Lifeline service from another carrier;⁶⁷
- Assist the Commission, USAC, state commissions, and other ETCs in resolving instances of duplicative enrollment by Lifeline subscribers, including by providing to USAC and/or any state commission, upon request, the necessary information to detect and resolve duplicative Lifeline claims;
- Promptly investigate any notification that it receives from the Commission, USAC, or a state commission to the effect that one of its customers already receives Lifeline services from another carrier; and

⁶⁵ See *Lifeline Reform Order*, ¶ 390; section 54.422(b)(5).

⁶⁶ See *Lifeline Reform Order*, ¶ 389; section 54.422(b)(1)-(4).

⁶⁷ The Company anticipates that the need to provide such information will sunset following the implementation of the national duplicates database.

- Immediately de-enroll any subscriber whom the Company has a reasonable basis to believe⁶⁸ is receiving Lifeline-supported service from another ETC or is no longer eligible – whether or not such information is provided by the Commission, USAC, or a state commission.⁶⁹

II. Description of Lifeline Service Offerings⁷⁰

Telrite will offer its Lifeline service in the states where it is designated as an ETC⁷¹ and throughout the coverage area of its underlying provider AT&T. The Company's Lifeline offering in Rhode Island, Puerto Rico, Missouri, Georgia and Minnesota provides customers with their choice of 68, 125 or 250 anytime prepaid minutes per month at no charge. Minutes do not expire for the 68 and 125 minute plans and unused minutes are rolled over to the next month. Unused minutes for the 250 minute plan do not roll over. Text messaging is available at the rate of:

- 68 Minute Plan: 1/3 minute (*i.e.*, 3 SMS texts per voice minute)
- 125 Minute Plan: 1/2 minute (*i.e.*, 2 SMS texts per voice minute)
- 250 Minute Plan 1 minute (*i.e.*, 1 SMS per voice minute)

Telrite's Lifeline offering in Illinois includes 100 anytime prepaid minutes per month at no charge with rollover. Telrite's offering in Arkansas, Louisiana, West Virginia and Maryland current includes 68 anytime prepaid minutes per month at no

⁶⁸ See section 54.405(e)(1).

⁶⁹ See Cricket Compliance Plan at 10.

⁷⁰ See Compliance Plan Public Notice at 3.

⁷¹ The Company is currently designated as an ETC in Arkansas, Illinois, Louisiana, West Virginia, Rhode Island, Puerto Rico, Missouri, Maryland, Georgia & Minnesota.

charge with rollover,⁷² however, Telrite is exploring its options to convert its Lifeline offering in these states to the three-option plan described above.

Lifeline customers can purchase additional bundles of minutes in denominations of \$10.00, \$25.00, \$7.95, \$12.95, \$21.49 and \$29.95. Airtime, when used for standard cellular calls, is valued at and will be decremented at the following rates:

- 1) \$10.00 denomination - \$0.099 per minute of use;
- 2) \$25.00 denomination - \$0.0708 per minute of use;
- 3) \$7.95 denomination - 3 day Unlimited Talk and SMS;
- 4) \$12.95 denomination - 1 week Unlimited Talk and SMS;
- 5) \$21.95 denomination – 2 weeks Unlimited Talk and SMS;
- 6) \$29.95 denomination – 1 month Unlimited Talk and SMS;

Airtime “top-up” minutes are available for purchase at the Company’s retail locations, through any Money Gram location and on the Company’s website.⁷³ Additional information regarding the Company’s plans, rates and services can be found on its website: www.lifewireless.com.

In addition to free voice services, Telrite’s Lifeline plan will include a free handset and custom calling features at no charge, including Caller ID, Call Waiting, Call Forwarding, 3-Way Calling, Voice Mail, No Roaming charges and free access to Customer Care by dialing 611 from customers’ Life Wireless handset or by dialing 1-888-543-3620 from any wireline phone. All plans include domestic long-distance at no extra per minute charge. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

⁷² Text messaging is available at the rate of 3 SMS texts per voice minute for the current offerings in Illinois, Arkansas, Louisiana, West Virginia and Maryland.

⁷³ Top-up minutes are provided using the PureTalk USA and Pure Unlimited brands, by Puretalk Holdings, LLC, a sister company of Telrite with common ownership, though not technically an affiliate.

III. Demonstration of Financial and Technical Capabilities and Certifications Required for ETC Designation⁷⁴

Financial and Technical Capabilities. Revised Commission rule 54.202(a)(4), 47 C.F.R. 54.202(a)(4), requires carriers petitioning for ETC designation to demonstrate financial and technical capability to comply with the Commission's Lifeline service requirements.⁷⁵ The Compliance Plan Public Notice requires that carriers' compliance plan include this demonstration. Among the factors the Commission will consider are: a carrier's prior offering of service to non-Lifeline subscribers, the length of time the carrier has been in business, whether the carrier relies exclusively on Lifeline reimbursement to operate, whether the carrier receives revenues from other sources and whether the carrier has been the subject of an enforcement action or ETC revocation proceeding.

Telrite has been offering Lifeline service to customers since October, 2010. Telrite also offers several other telecommunication services in addition to its Lifeline service. In 2011, the wireline services offered by Telrite produced substantial net income. This revenue was generated from more than 30,000 customers of Telrite's local and long distance service, which Telrite has been providing for over 10 years. In sum, Telrite has access to sufficient funds to run its business and is not solely dependent on reimbursements from the Fund. The Company has not been subject to enforcement sanctions or ETC revocation proceedings in any state.

Service Requirements Applicable to the Company's Support. The Compliance Plan Public Notice requires carriers to include "certifications required under newly

⁷⁴ See Compliance Plan Public Notice at 3.

⁷⁵ See *Lifeline Reform Order*, ¶¶ 387-388 (revising Commission rule 54.202(a)(4)).

amended section 54.202 of the Commission's rules."⁷⁶ Telrite certifies that it will comply with the service requirements applicable to the support the Company receives.⁷⁷ Telrite provides all of the telecommunications service supported by the Lifeline program and will make the services available to all qualified consumers throughout the states in which it is designated as an ETC. The Company's services include voice telephony services that provide voice grade access to the public switched network or its functional equivalent. Further, the Company's service offerings provide its customers with minutes of use for local service at no charge to the customer. The Company will offer a set number of minutes of local exchange service free of charge to its subscribers. Telrite's current Lifeline offerings include packages in Section II *supra* that can be used for local and domestic toll service.

The Company also will provide access to emergency services provided by local government or public safety officials, including 911 and E911 where available and will comply with any Commission requirements regarding E911-compatible handsets. As discussed above, the Company will comply with the Commission's forbearance grant conditions relating to the provision of 911 and E911 services and handsets.

Finally, Telrite will not provide toll limitation service ("TLS"), which allows low income consumers to avoid unexpected toll charges. However, since the Company is a prepaid service provider, customers cannot be disconnected for failure to pay toll charges, nor are there additional charges for exceeding their minutes. Further, the Company, like most wireless carriers, does not differentiate domestic long distance toll usage from local usage and all usage is paid for in advance. Pursuant to the *Lifeline Reform Order*,

⁷⁶ Compliance Plan Public Notice at 3.

⁷⁷ 47 C.F.R. § 54.202(a)(1).

subscribers to such services are not considered to have voluntarily elected to receive TLS.⁷⁸

IV. Conclusion

Telrite submits that its Compliance Plan fully satisfies the conditions set forth in the Commission's *Lifeline Reform Order*, the Compliance Plan Public Notice and the Lifeline rules. Accordingly, the Company respectfully requests that the Commission expeditiously approve its Compliance Plan.

Respectfully submitted,



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Joshua T. Guyan
Kelley Drye & Warren, LLP
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Washington, D.C. 20007
(202) 342-8544

Counsel to Telrite Corporation

March 12, 2012

⁷⁸ See *Lifeline Reform Order*, ¶ 230.

EXHIBIT A



Life Wireless

Georgia Wireless Lifeline Service Application and Certification

Mail or Fax completed and signed form to

Telrite Corporation / Life Wireless

PO Box 2840 Covington, GA 30015

FAX: 1-866-770-6110 / EMAIL: lwforms@lifewireless.com

A complete and signed Lifeline Service Application and Certification ("Certification") is required to enroll you in Telrite Corporation / Life Wireless' Lifeline service program in your state. This Certification is only for the purpose of verifying your eligibility for Lifeline service and will not be used for any other purpose. Service requests will not be processed until this Form has been received and verified by Company.

One Lifeline service per household disclosures: Lifeline is a government assistance program and willfully making false statements to obtain a Lifeline benefit can result in fines, imprisonment, de-enrollment or being barred from the program. Lifeline benefits are limited to a single line of service per household. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses. A household may not receive multiple Lifeline discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both and you cannot receive Lifeline benefits from multiple providers. Note that not all Lifeline services are currently marketed under the name Lifeline. Lifeline is a non-transferable benefit and you may not transfer your benefit to any other person, including another eligible low-income consumer. Violation of the one-per-household limitation constitutes a violation of the Federal Communications Commission's rules and will result in your de-enrollment from the program, and potentially prosecution by the United States Government.

☐ **I hereby certify that I have read and understood the disclosures listed above and that, to the best of my knowledge, my household is not already receiving a Lifeline service benefit.**

Customer eligibility certification:

I hereby certify that I participate in at least one of the following programs (check one):

- | | |
|---|---|
| <input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) | <input type="checkbox"/> Income at or below 135% of Federal Poverty Guidelines |
| <input type="checkbox"/> Section 8 Federal Public Housing Assistance (FPHA) | <input type="checkbox"/> Food Distribution Program on Indian Reservations (FDPIR) |
| <input type="checkbox"/> Medicaid (not Medicare) | <input type="checkbox"/> Bureau of Indian Affairs General Assistance (BIA) |
| <input type="checkbox"/> Supplemental Security Income (SSI) | <input type="checkbox"/> Tribally Administered TANF (TATNF) |
| <input type="checkbox"/> Temporary Assistance for Needy Families (TANF) | <input type="checkbox"/> Head Start (meeting income qualifying standards) |
| <input type="checkbox"/> Low Income Home Energy Assistance Program (LIHEAP) | |
| <input type="checkbox"/> National School Lunch Program's free lunch program | |

Additional certifications: I hereby certify, under penalty of perjury, that **(check each box):**

- ☐ I meet the income-based or program-based eligibility criteria for receiving Lifeline service and have provided documentation of eligibility if required
- ☐ I will notify the Company within 30 days if for any reason I no longer satisfy the criteria for receiving Lifeline including, as relevant, if I no longer meet the income-based or program-based eligibility criteria, I begin receiving more than one Lifeline benefit, or another member of my household is receiving a Lifeline benefit. I understand that I may be subject to penalties if I fail to follow this requirement
- ☐ I am not listed as a dependent on another person's tax return (unless over the age of 60)
- ☐ The address listed below is my primary residence, not a second home or business
- ☐ If I move to a new address, I will provide that new address to the Company within 30 days
- ☐ If I provided a temporary residential address to the Company, I will verify my temporary residential address every 90 days
- ☐ I acknowledge that providing false or fraudulent information to receive Lifeline benefits is punishable by law
- ☐ I acknowledge that I may be required to re-certify my continued eligibility for Lifeline at any time, and my failure to re-certify as to my continued eligibility within 30 days will result in de-enrollment and the termination of my Lifeline benefits
- ☐ The information contained in this certification form is true and correct to the best of my knowledge

Tribal eligibility:

- ☐ I hereby certify that I reside on Federally-recognized Tribal lands.

Multiple households sharing and address:

- ☐ I hereby certify that I reside at an address occupied by multiple households, including adults who do not contribute income to my household and/or share in my household's expenses, and I will complete a separate additional form.

Activation and usage requirement disclosures: This service is a prepaid service and you must personally activate it by calling **770-200-1000**. To keep your account active, ***you must use your Lifeline service at least once during any 60 day period by completing an outbound call, purchasing additional minutes from Company, answering an in-bound call from someone other than Company, or by responding to a direct contact from Company confirming that you want to continue receiving Lifeline service from Company.*** If your service goes unused for 60 days, you will no longer be eligible for Lifeline benefits and your service will be suspended (allowing only 911 calls and calls to the Company's customer care center) subject to a 30 day cure period during which you may use the service (as described above) or contact the Company to confirm that you want to continue receiving Lifeline service from Company.

- ☐ I hereby certify that I have read and understood the disclosures listed above regarding activation and usage requirements.

Authorizations:

- ☐ I hereby authorize the Company to access any records required to verify my statements on this form and to confirm my eligibility for the Lifeline program. I also authorize the Company to release any records required for the administration of the Lifeline program (e.g., name, telephone number and address), including to the Universal Service Administrative Company, to be used in a Lifeline database and to ensure the proper administration of the Lifeline Program. Failure to consent will result in denial of service.

Customer Application Information:

First Name: _____ Middle Name: _____ Last Name: _____

DOB: Month: _____ Day: _____ Year: _____ Last Four SSN (or Tribal ID #): _____

If Qualifying for Lifeline by Income, number of Individuals in Household: _____

Residential Address (*P.O. Box NOT sufficient*) Contact Number (if available): _____

Number: _____ Street: _____ City: _____ Apt: _____

State: _____ Zip Code: _____ Address is (**choose one**): ☐ Permanent ☐ Temporary

Billing Address (if different from Above) (*P.O. Box IS sufficient*)

Number: _____ Street: _____ City: _____ Apt: _____

State: _____ Zip Code: _____

Applicant's Signature: _____ **Date:** _____

For Agent Use Only (check only 1 eligibility category and only 1 box under that category; do not copy or retain documentation):

Documents Acceptable Proof for Income-Eligibility:

- ☐ The prior year's state, federal, or Tribal tax return,
☐ Current income statement from an employer or paycheck stub,
☐ A Social Security statement of benefits,
☐ A Veterans Administration statement of benefits,
☐ A retirement/pension statement of benefits,
☐ An Unemployment/Workmen's Compensation statement of benefits,
☐ Federal or Tribal notice letter of participation in General Assistance, or
☐ A divorce decree, child support award, or other official document containing income information for at least three months time.

Documents Acceptable Proof for Program-Eligibility:

- ☐ The current or prior year's statement of benefits from a qualifying state, federal or Tribal program;
☐ A notice letter of participation in a qualifying state, federal or Tribal program;
☐ Program participation documents (e.g., the consumer's Supplemental Nutrition Assistance Program (SNAP) electronic benefit transfer card or Medicaid participation card (or copy thereof)); or
☐ Another official document evidencing the consumer's participation in a qualifying state, federal or Tribal program

Applicant Account Number

Agent/Dealer Number

EXHIBIT B

Welcome!



Life Wireless Customer you will receive FREE Minutes each month on your anniversary date. Unused minutes will roll-over to the next month and never expire as long as your account remains active. Must make at least one call each 60 days to keep your service active.*

Life Wireless Features:

- Nationwide Calling
- Text Messaging
- Caller ID
- Voicemail
- Rollover Minutes
- Affordable Recharge Plans
- Free 911 Service



Life Wireless is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program. See if you qualify for a free phone with free monthly service! Service is limited to one discount per household, consisting of either wireline or wireless service. Forms of documentation necessary for enrollment are listed on reverse. Service is non-transferable.

Recharge With Pure Unlimited

If you need more than the allotted free minutes each month, Life Wireless has partnered with Pure Unlimited to offer you recharge cards in the following denominations.

3 Day Unlimited Talk & Text	1 Week Unlimited Talk & Text	2 Week Unlimited Talk & Text	1 Month Unlimited Talk & Text
\$7.95	\$12.95	\$21.49	\$42.95

**\$10 and \$25 Recharge Cards Also Available
at 9.9¢ per minute and 5¢ per text.**

Pure Unlimited recharge cards are available in many retail establishments or online at

www.lifewireless.com

We Accept

MoneyGram®
International Money Transfer



Receive Code: 7924

Things to know:

- Lifeline benefits are limited to a single line of service per household. You may not receive multiple Lifeline or Link Up discounts. You may apply your Lifeline discount to either one landline or one wireless number, but you cannot have the discount on both.
- Customers must present Photo ID and Proof of Benefit to obtain service.
- **To complete the activation process you must power on your phone and place a call to 770-200-1000.**
- If you have further questions or concerns, Life Wireless Customer Service is ready to help. Agents are available 7 days a week from 8:00 am to Midnight EST at

1-888-543-3620

IMPORTANT: consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.



www.lifewireless.com

Telrite Corporation is an Eligible Telecommunications Carrier (ETC), doing business as Life Wireless.



*Rollover is contingent upon the minutes program and that not all free minute plans contain roll-over minutes

Forms of documentation necessary for enrollment: All subscribers will be required to demonstrate eligibility based at least on (1) Household income at or below 135% of Fed Poverty guidelines for a household of that size; OR (2) the household's participation in one of the federal assistance programs. 1 - current or prior year's statement of benefits from a qualifying state, federal or Tribal program. 2 - a notice letter of participation in a qualifying state, federal or Tribal program. 3 - program participation documents (eg: consumers SNAP card, Medicaid card, or copy thereof). 4 - other official document evidencing the consumer's participation in a qualifying state, federal or Tribal program. Income eligibility: Prior Year's state, federal or Tribal tax return, current income statement from an employer or paycheck. Social Security statement of benefits. Veterans Administration statement of benefits. Retirement/pension statement of benefits. Unemployment / Workmen's comp statement of benefits. Federal or Tribal notice letter of participation in General Assistance. Divorce decree, child support award, or other official document containing income information for at least three (3) months time. Life Wireless will NOT retain a copy of this documentation. \$42.95 Unlimited cards is good for 1 month of Unlimited Talk & Text. \$21.49 Unlimited card is good for 14 days of Unlimited Talk & Text. \$12.95 Unlimited card is good for 7 days of Unlimited Talk & Text. \$7.95 Unlimited card is good for 3 days of Unlimited Talk & Text. Upon expiration of Unlimited Card, you must add a new recharge card of any denomination to continue service. \$10 and \$25 recharge cards available at a rate of 9.9¢ per minute and 5¢ per text. Pure Unlimited recharge cards valid for Pure Unlimited or Life Wireless phones/service only. Rates and fees subject to change.

FREE PHONE



WITH FREE MONTHLY SERVICE!

Life Wireless is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program. See if you qualify for a free phone with free monthly service! Service is limited to one discount per household, consisting of either wireline or wireless service. Forms of documentation necessary for enrollment are listed below. Service is non-transferable.

Life Wireless Features:

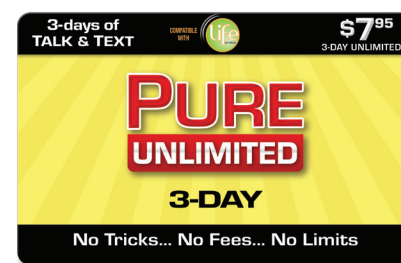
- Nationwide Calling
- Text Messaging
- Caller ID
- Voicemail
- Rollover Minutes
- Affordable Recharge Plans



IMPORTANT: consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.

Need more minutes? Recharge With Pure Unlimited

As Low As **\$7.95**



1 Week Unlimited Talk & Text	2 Week Unlimited Talk & Text	1 Month Unlimited Talk & Text
\$12.95	\$21.49	\$42.95

\$10 and \$25 Recharge Cards Also Available!

1-888-543-3620



Forms of documentation necessary for enrollment: All subscribers will be required to demonstrate eligibility based at least on (1) Household income at or below 135% of Fed Poverty guidelines for a household of that size; OR (2) the household's participation in one of the federal assistance programs. 1 - current or prior year's statement of benefits from a qualifying state, federal or Tribal program. 2 - a notice letter of participation in a qualifying state, federal or Tribal program. 3 - program participation documents (eg: consumers SNAP card, Medicaid card, or copy thereof). 4 - other official document evidencing the consumer's participation in a qualifying state, federal or Tribal program. Income eligibility: Prior Year's state, federal or Tribal tax return, current income statement from an employer or paycheck. Social Security statement of benefits. Veterans Administration statement of benefits. Retirement/pension statement of benefits. Unemployment / Workmen's comp statement of benefits. Federal or Tribal notice letter of participation in General Assistance. Divorce decree, child support award, or other official document containing income information for at least three (3) months time. Life Wireless will NOT retain a copy of this documentation. \$42.95 Unlimited cards is good for 1 month of Unlimited Talk & Text. \$21.49 Unlimited card is good for 14 days of Unlimited Talk & Text. \$12.95 Unlimited card is good for 7 days of Unlimited Talk & Text. \$7.95 Unlimited card is good for 3 days of Unlimited Talk & Text. Upon expiration of Unlimited Card, you must add a new recharge card of any denomination to continue service. \$10 and \$25 recharge cards available at a rate of 9.9¢ per minute and 5¢ per text. Pure Unlimited recharge cards valid for Pure Unlimited or Life Wireless phones/service only. Rates and fees subject to change.

Telrite Corporation is an Eligible Telecommunications Carrier (ETC), doing business as Life Wireless.

FREE CELL PHONE

with FREE Monthly Service



1-888-543-3620

www.LifeWireless.com

Life Wireless is a Lifeline supported service, a government assistance program. Only eligible customers may enroll in the program. See if you qualify for a free phone with free monthly service! Service is limited to one discount per household, consisting of either wireline or wireless service. Forms of documentation necessary for enrollment are listed below. Service is non-transferable.

IMPORTANT: consumers who willfully make a false statement in order to obtain the Lifeline benefit can be punished by fine or imprisonment or can be barred from the program.



Affordable UNLIMITED Recharge Plans



As Low As

\$7.95

Telrite Corporation is an Eligible Telecommunications Carrier (ETC), doing business as Life Wireless.

Forms of documentation necessary for enrollment: All subscribers will be required to demonstrate eligibility based at least on (1) Household income at or below 135% of Fed Poverty guidelines for a household of that size; OR (2) the household's participation in one of the federal assistance programs. 1 - current or prior year's statement of benefits from a qualifying state, federal or Tribal program. 2 - a notice letter of participation in a qualifying state, federal or Tribal program. 3 - program participation documents (eg: consumers SNAP card, Medicaid card, or copy thereof). 4 - other official document evidencing the consumer's participation in a qualifying state, federal or Tribal program. Income eligibility: Prior Year's state, federal or Tribal tax return, current income statement from an employer or paycheck. Social Security statement of benefits. Veterans Administration statement of benefits. Retirement/pension statement of benefits. Unemployment / Workmen's comp statement of benefits. Federal or Tribal notice letter of participation in General Assistance. Divorce decree, child support award, or other official document containing income information for at least three (3) months time. Life Wireless will NOT retain a copy of this documentation.

Come to the LIFE WIRELESS booth for more details!